

OPINION  
50-127

April 28, 1950 (OPINION)

LIVESTOCK

RE: Inspection Certificate

I am in receipt of your letter of April 20, 1950, in which you request an opinion regarding chapter 36-10, N.D.R.C. 1943.

You ask whether or not a private farmer may ship livestock out of your county without securing a certificate of inspection from the brand inspector where, as you say, the farmer is using his own truck in shipping his own livestock.

I agree with the last paragraph of your letter in which you say that the chapter "seems to deal only with railroads and truck lines operating in or through the county." The only section in chapter 36-10 which gives me any trouble is section 36-1007, which provides:

"No railroad company, truck line, or trucker operating in or through any county in this state in which a brand inspector has been appointed, shall accept for shipment from any point within such county, any horses, cattle, or mules until a certificate of inspection signed by a county brand inspector is filed by the consignor with such company or its agent."

I do not believe that the underlined phrase "or trucker" is sufficient to require a private farmer to secure a license.

WALLACE E. WARNER

Attorney General